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PATENT APP. SER. NO. 10/046,404  
ECLIPSE GROUP DOCKET NO. H103027USU (P02017US)**AMENDMENTS TO THE CLAIMS**

Please amend the claims as follows:

1. (Presently Amended) An acoustic waveguide, comprising:
  - a first control curve;
  - a second control curve;
  - a third control curve;
  - a fourth control curve; and
  - a continuous three-dimensional ~~least-energy-surface~~ surface coincident with the first control curve, the second control curve, the third control curve and the fourth control curve that intersect a circular throat end and a non-elliptical closed control surface that defines a mouth.
2. (Canceled) The acoustic waveguide of claim 1, wherein the continuous three-dimensional least-energy-surface is free of discontinuities.
3. (Original) The acoustic waveguide of claim 1, wherein the continuous three-dimensional surface further includes: a minimum surface area axial section plane of the continuous three-dimensional surface formed from the first control curve, second control curve, third control curve, and fourth control curve.
4. (Original) The acoustic waveguide of claim 3, wherein the minimum surface area axial section plane is at the circular throat end of the acoustic waveguide.
5. (Original) The acoustic waveguide of claim 1, wherein the first control curve is symmetrical about an axis with the second control curve.
6. (Original) The acoustic waveguide of claim 5, wherein the third control curve is symmetrical about the axis with the fourth control curve.
7. (Presently Amended) A method for creation of an acoustic waveguide, comprising:
  - identifying a first control curve;
  - identifying a second control curve that mirrors the first control curve;
  - identifying a third control curve;
  - identifying a fourth control curve that mirrors the third control curve; and
  - generating a ~~least-energy-surface~~ continuous three-dimensional surface ~~that is~~

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~~formed from~~ formed by extending the first control curve, second control curve, third control curve and fourth control curve ~~and to~~ intersect a circular throat end and a non-elliptical closed control curve forming a mouth.

8. (Canceled) The method of claim 7, where generating further comprises forming the least-energy-surface as a continuous surface minimizing the formation of any discontinuities.
- 9.-10. (Canceled)
11. (Previously presented) The acoustic waveguide of claim 3, where the minimum surface area axial section plane is disposed at a midsection of the waveguide axially between the circular throat end and the non-elliptical closed control surface.
12. (Presently Amended) An acoustic waveguide, comprising:  
a first control curve;  
a second control curve;  
a third control curve;  
a fourth control curve; and  
a continuous three-dimensional ~~least-energy-surface~~ surface swept about a central axis of the waveguide with minimal discontinuities and coincident with the first control curve, the second control curve, the third control curve and the fourth control curve that intersect a circular throat end and a non-elliptical closed control surface that defines a mouth.
13. (Presently Amended) An acoustic waveguide, comprising:  
a first control curve;  
a second control curve;  
a third control curve;  
a fourth control curve; and  
a continuous three-dimensional ~~least-energy-surface~~ surface coincident with the first control curve, the second control curve, the third control curve and the fourth control curve that intersect a circular throat end and a non-elliptical closed control surface that defines a mouth, the continuous three-dimensional ~~least-energy-surface~~ surface

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comprising a minimum surface area axial section plane formed from the first control curve, second control curve, third control curve, and fourth control curve, where the minimum surface area axial section plane is disposed at a midsection of the waveguide axially between the circular throat end and the non-elliptical closed control surface.

14. (Presently Amended) An acoustic waveguide, comprising:
  - a first control curve;
  - a second control curve;
  - a third control curve;
  - a fourth control curve; and
  - a continuous three-dimensional ~~least-energy-surface~~ surface coincident with the first control curve, the second control curve, the third control curve and the fourth control curve that intersect a circular throat end and a non-elliptical closed control surface that defines a mouth, where each of the first, second, third and fourth control curves is convergent-divergent relative to an axial centerline of the waveguide.
15. (Previously presented) The acoustic waveguide of claim 12, wherein the continuous three-dimensional surface further includes a minimum surface area axial section plane of the continuous three-dimensional surface formed from the first control curve, second control curve, third control curve, and fourth control curve.
16. (Previously presented) The acoustic waveguide of claim 15, wherein the minimum surface area axial section plane is at the circular throat end of the acoustic waveguide.
17. (Previously presented) The acoustic waveguide of claim 15, where the minimum surface area axial section plane is disposed at a midsection of the waveguide axially between the circular throat end and the non-elliptical closed control surface.
18. (Previously presented) The acoustic waveguide of claim 12, wherein the first control curve is symmetrical about an axis with the second control curve.
19. (Previously presented) The acoustic waveguide of claim 12, wherein the third control curve is symmetrical about the axis with the fourth control curve.

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20. (Canceled) The acoustic waveguide of claim 13, wherein the continuous three-dimensional least-energy-surface is free of discontinuities.
21. (Previously presented) The acoustic waveguide of claim 13, wherein the first control curve is symmetrical about an axis with the second control curve.
22. (Previously presented) The acoustic waveguide of claim 13, wherein the third control curve is symmetrical about the axis with the fourth control curve.
23. (Canceled) The acoustic waveguide of claim 14, wherein the continuous three-dimensional least-energy-surface is free of discontinuities.
24. (Previously presented) The acoustic waveguide of claim 14, wherein the continuous three-dimensional surface further includes a minimum surface area axial section plane of the continuous three-dimensional surface formed from the first control curve, second control curve, third control curve, and fourth control curve.
25. (Previously presented) The acoustic waveguide of claim 23, wherein the minimum surface area axial section plane is at the circular throat end of the acoustic waveguide.
26. (Previously presented) The acoustic waveguide of claim 23, where the minimum surface area axial section plane is disposed at a midsection of the waveguide axially between the circular throat end and the non-elliptical closed control surface.
27. (Previously presented) The acoustic waveguide of claim 14, wherein the first control curve is symmetrical about an axis with the second control curve.
28. (Previously presented) The acoustic waveguide of claim 14, wherein the third control curve is symmetrical about the axis with the fourth control curve.